

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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FLOR HERNANDEZ, trustee for the  
next-of-kin of EMELY IRENE  
HERNANDEZ, a deceased minor,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 10-133V

Special Master Christian J. Moran

Filed: March 13, 2013

Attorneys' fees and costs; stipulation;  
award in the amount to which respondent  
has not objected

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### UNPUBLISHED DECISION ON FEES AND COSTS\*

Randall G. Knutson, Farrish Johnson Law Office, Mankato, MN, for Petitioner;  
Althea W. Davis, U.S. Department of Justice, Washington, D.C., for Respondent.

On March 11, 2013, respondent filed a stipulation of fact concerning final attorneys' fees and costs. Previously, petitioner informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised certain objections. Based on subsequent discussions, petitioner amended her application to request \$61,216.29, an amount to which respondent does not object. The Court awards this amount.

Petitioner alleged that the trivalent influenza vaccine, which Emely received on March 4, 2008, caused Emely's death. Petitioner received compensation based upon the parties' stipulation. Decision, filed January 9, 2013. Because petitioner received

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\* The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$61,216.29** in attorneys' fees and costs for her counsel. In compliance with General Order No. 9, petitioner states that she incurred no out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the requested attorneys' fees and costs.

After reviewing the request, the court awards a check made payable to petitioner and petitioner's attorney in the amount of **\$61,216.29** for attorneys' fees and litigation costs. The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.